

APPLICANT(S): VITENBERG, Roman  
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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1 - 48 are pending in the application. Claims 1 - 45 have been withdrawn. Claims 46 - 48 have been rejected. No claims have been amended.

### **Claim Rejections**

#### **35 U.S.C. § 103 Rejections**

In the Office Action, the Examiner rejected claims 46 and 48 under 35 U.S.C. § 103(a), as being unpatentable over Graves et al. (US 5,410,344) in view of Ehreth (US 6,286,142). In the Office Action, the Examiner also rejected claim 47 under 35 U.S.C. § 103(a), as being unpatentable over Graves in view of Ehreth.

Applicants respectfully traverse these rejections. Graves is an "apparatus and method of selecting video programs based on viewers' preferences" (title) and works by:

"A method and apparatus for selecting audiovisual programs for presentation to a viewer. The audiovisual programs have attributes and a corresponding content code including information pertaining to the attributes. The method includes various

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steps. First, a viewer preference file is stored which includes information pertaining to the impact of various attributes of the audiovisual programs on the viewer. Second a plurality of content codes corresponding to a plurality of the audiovisual programs are received. Third, the viewer preference file is compared to the plurality of the corresponding content codes. Finally, at least one of the plurality of audiovisual programs is selected in response to the comparison for presentation to the viewer.” (Abstract).

The apparatus in Graves is thus a personal unit, storing the programs the viewer may want to view. Such a personal unit cannot be utilized as “A video server for a building having more than one subscriber premises therein” (Claim 46). Moreover, such a personal unit cannot have “a multiplicity of interface controllers” (claim 46).

Combining Graves with Ehreth does not solve the problem. Ehreth is a method and system for communicating video signals to a plurality of television sets. In the Office Action, the Examiner stated that Ehreth discloses a video server 30 (page 3, lines 11 – 17). Ehreth calls unit 30 “a communication controller” and not a video server. Even if Ehreth’s unit 30 was a video server, Ehreth’s unit 30 cannot be combined with Graves’ apparatus since the storage unit in Graves stores personal preferences (i.e. video selected for one viewer) and personal preferences are, by definition, not relevant to others.

Furthermore, neither Graves nor Ehreth nor their combination can download through at least one subscriber converter (“means for downloading video films or broadcast transmitted from a central office of a communication service provider through at least one of said subscriber converters”) together with transmitting downloaded data through another subscriber converter (“means for transmitting along a wire a selected one of said downloaded video films or broadcast to one of said subscriber premises through its associated subscriber converter.”).

Accordingly, Applicants respectfully assert that independent claim 46 is allowable. Claims 47 and 48 depend from claim 46 and therefore include all the limitations of that claim. Therefore, Applicants respectfully assert that claims 47 and 48 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to

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independent claim 46 and to claims 47 - 48 dependent thereon.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,



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